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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,751	10/16/2003	Michael R. Furst	A2484K-US-NP XERZ 2 01274	8683
62095 7590 10/01/2010 FAY SHARPE / XEROX - ROCHESTER 1228 EUCLID AVENUE, 5TH FLOOR THE HALLE BUILDING CLEVELAND, OH 44115			EXAMINER ESKANDARNIA, ARVIN	
			ART UNIT 2448	PAPER NUMBER
			MAIL DATE 10/01/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,751	<b>Applicant(s)</b> FURST ET AL.	
	<b>Examiner</b> ARVIN ESKANDARNIA	<b>Art Unit</b> 2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: _____                          |

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***Response to Amendment***

This communication is responsive to the communication filed on 5/17/2010.

***Claims 26-44*** are pending.

**Reopening of Prosecution After Appeal Brief or Reply Brief**

In view of the appeal brief filed on 03/31/10, PROSECUTION IS HEREBY REOPENED. This action is a NON-Final rejection.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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**Claims 26-30 and 32-43** rejected under 35 U.S.C. 102(b) as being unpatentable by Hemphill et al. U.S. Patent No. 6,167,448.

*As per claim 26, Hemphill discloses:*

- *A system for remotely supporting a family of products even when the products are deployed in the field, the system comprising:*
  - *at least one respective unit (110) of a first product of the family of products,* (Hemphill, Col. 3, Lines 16-19) where the managed elements or devices are disclosed;
  - *an interchangeable device model (122, 123) for the first product selected from a family of device models wherein each member of the family of device models includes at least identifications of classes of information that can be communicated to and/or from the each of the products of the family of products and mappings indicating how the classes of information can be communicated to and/or from the first product,* (Hemphill, Col. 7, Lines 26-35) where the management communication layer is the interchangeable device model as claimed. The management communication layer is said to be responsible for understanding a management protocol and calls the instrumentation code to acquire data or to perform management control operations.

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- *at least one respective device model agent (120) that is operative to read the interchangeable device model and access information in the at least one respective unit and to provide information to the at least one respective unit according to the interchangeable device model and to communicate with at least one other element of the system regarding the at least one unit over at least one communications link according to terms, parameters, structures or protocols that are common to products of the family of products, regarding at least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message, and service request information,* (Hemphill, Col. 7, Lines 23-26) where the device model agent is the management agent as claimed. The management agents are implemented to detect a plurality of management events that may occur on the managed device. The management device includes the management communication layer. (Hemphill, Col. 1, Lines 58-60) The management events are responded to with proper actions. (Hemphill, Col. 6, Lines 5-7) where responses to the events are categorized and one action category is software updates. More categories of the action in response to the events are disclosed throughout Hemphill's prior art reference. Further more, (Hemphill, Col. 7, Lines 28-34) also it is disclosed that the management communication layer is responsible for understanding a management protocol;

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- *a services host server (310) that is operative to exchange information with the at least one respective device model agent over the at least one communications link, the exchanged information including at least one of: the unit configuration parameters, the unit status information, the available upgrade information, the selected the upgrade information, the selected downgrade information, the available update information, the requested update information, the error message, and the service request information,*

(Hemphill, Col. 7, Lines 62-65) where the management server is the services host server as claimed. Where the management server includes a server interface that is communicatively coupled to the network for sending and receiving information according to any desired format or protocol via the network. (Hemphill, Col. 6, Lines 5-7) where responses to the events are categorized and one action category is software updates. More categories of the action in response to the events are disclosed throughout Hemphill's prior art reference.

*As per claim 27, claim 26 is incorporated and further Hemphill discloses:*

- *at least one respective second unit (110) of a second product of the family of products, (Hemphill, Col. 3, Lines 16-19);*
- *a second interchangeable device model (122) for the second product selected from the family of device models wherein the second*

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*interchangeable device model includes mappings indicating how the classes of information can be communicated to and/or from the second product, (Hemphill, Col. 7, Lines 26-35);*

- *at least one respective copy of the device model agent (120) that is operative to read the second interchangeable device model and access information in the at least one second respective unit of the second product and to provide information to the at least one respective unit of a second product according to the second interchangeable device model and to communicate with the services host regarding the at least one unit over at least one communications link according to the terms, parameters, structures or protocols that are common to products of the family of products, regarding at least one of second unit configuration parameters, second unit status information, available second unit upgrade information, selected second unit upgrade information, selected second unit downgrade information, available second unit update information, requested second unit update information, an error message regarding the second unit, and service request information regarding the second unit, (Hemphill, Col. 7, Lines 23-26) , (Hemphill, Col. 1, Lines 58-60), (Hemphill, Col. 6, Lines 5-7), (Hemphill, Col. 7, Lines 28-34).*

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*As per claim 28, claim 26 is incorporated and further Hemphill discloses:*

- *at least one services provider (300) that is operative to exchange information with the services host server over at least one communications link and to provide at least one of: updated software, software upgrades, billing services, maintenance services and repair services for the at least unit according to at least one of: the unit status information, the selected upgrade information, the requested update information, the error message and the service request information received from the at least one unit, (Hemphill, Col. 6, Lines 5-7).*

*As per claim 29, claim 26 is incorporated and further Hemphill discloses:*

- *the at least one respective device model agent is at least one of: implemented as a process included in the at least one respective unit and implemented within a physical add-on module (115) that is connected to the respective at least one unit, (Hemphill, Col. 7, Lines 26-35).*

*As per claim 30, claim 26 is incorporated and further Hemphill discloses:*

- *an application server (200, 310, 320) that is operative to receive application software modules from at least one services provider and*



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*make the software application modules available for transmission to and installation in the at least one respective device model agent for performing new services in conjunction with the at least one respective unit, (Hemphill, Col. 7, Lines 62-66).*

*As per claim 32, claim 30 is incorporated and further Hemphill discloses:*

- *at least on of: the respective at least one unit, the services host server and the application server further comprise: an application programming interface (130, 230, 330) that is operative to determine which means of communications are available to the application programming interface, to select one or more communication means from the available communications means for communicating with at least one other system element, and to communicate with the at least one other system element according to one or more protocol that is appropriate to the one or more selected communications means, (Hemphill, Col. 7, Lines 6-22).*

*As per claim 33, claim 30 is incorporated and further Hemphill discloses:*

- *the application programming interface supports communication via at least HTTP, HTTPS, JMS, email, 10BaseT, 100BaseT, 10Base2,*

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***Modem, IEEE 802.11X, and Bluetooth, protocols,*** (Hemphill, Col. 8, Lines 10-15).

***As per claim 34, claim 26 is incorporated and further Hemphill discloses:***

- ***the device model agent is further operative to at least one of: add a new service received from an applications server to the device model agent, start a service running and stop a service,*** (Hemphill, Col. 7, Lines 42-61);

***As per claim 35, claim 26 is incorporated and further Hemphill discloses:***

- ***the at least one respective unit comprises: an image processing device,*** (Hemphill, Col. 3, Lines 16-19).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claims 31 and 41*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemphill U.S.

Patent No. 6,167,448 in view of Freed et al. US Publication No. 20030014650 A1.

*As per claim 31 and 41, Hemphill does not specifically disclose:*

- *at least one of the at least one respective device model agent is at least one of: implemented as a device proxy (210) and implemented in a device proxy within in the applications server.*

*However, Freed discloses:*

- *at least one of the at least one respective device model agent is at least one of: implemented as a device proxy (210) and implemented in a device proxy within in the applications server, (Freed, paragraph [0042], Lines 2-6) where the SSL device acts as a proxy for one or more servers and the client recognizes the device as the server.*
- Therefore, it would have been obvious to one of the ordinary skilled in the art at the time that the invention was made to incorporate the teaching of Freed into the teaching of Hemphill and one of the ordinary skilled in the art would be motivated to be able to configure a device to act as a proxy or the client can recognize the device as the server.

*Claims 36-44* are system claims corresponding to system claims 26-35 respectively and are rejected under the same reason set forth as the rejection of claims 26-35 above.

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***Response to Arguments***

3. Applicant's arguments with respect to *claims 26-44* have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARVIN ESKANDARNIA whose telephone number is (571) 270-3205. The examiner can normally be reached on Monday - Thursday, 8:00AM-6:00PM (EST),.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/ARVIN ESKANDARNIA/

Examiner, Art Unit 2448

Date: September 28, 2010

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448